

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Koppers Performance Chemicals, Inc. f/k/a)
Osmose Wood Preserving Co. of America,)
Inc. f/k/a Osmose Wood Preserving, Inc.)
f/k/a Osmose, Inc.,)

Plaintiffs,)

v.)

The Travelers Indemnity Company;)
Argonaut-Midwest Insurance Company d/b/a)
Argo Group; Insurance Company of North)
America d/b/a Chubb; Indemnity Insurance)
Company of North America d/b/a Chubb;)
Pacific Employers Insurance Company d/b/a)
Chubb; and Ace American Insurance)
Company d/b/a Chubb,)

Defendants.)

Case No.: 2:20-cv-2017-RMG

**FOURTH AMENDED
SCHEDULING ORDER**

1. Rule 26(f) Conference: A conference of the parties pursuant to Fed. R. Civ. P. 26(f) was held on August 11, 2020.
2. Rule 26(a)(1) Initial Disclosures: On September 8, 2020, the required initial disclosures under Fed. R. Civ. P. 26(a)(1) were made.
3. Rule 26(f) Report: On September 2, 2020, the parties filed a Fed. R. Civ. P. 26(f) Report in the form attached to this order.
4. Mediation: See separate Order.
5. Expert Disclosures: Parties shall file and serve a document identifying by full name, address, and telephone number each person whom they expect to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to the parties by the following dates:
Plaintiff: May 26, 2021
Defendants: June 26, 2021

6. Records Custodian Witnesses: Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **October 22, 2021**. Objections to such affidavits must be made within 14 days after the service of the disclosures. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3) (D.S.C.).
7. Discovery: Discovery shall be completed no later than **October 28, 2021**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by the discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 (D.S.C.).
8. Motions in Limine: Motions in limine must be filed no later than **fifteen (15) business days prior to jury selection**.
9. Dispositive Motions and Daubert Motions: All dispositive motions and Daubert motions shall be filed on or before **December 1, 2021**.
10. Pretrial Disclosures: No later than **twenty-one (21) days prior to jury selection** the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party, and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).
11. Pretrial Briefs: Parties shall furnish the Court and serve pretrial briefs **five (5) business days** prior to the date set for jury selection. (Local Civil Rule 26.05 (D.S.C.)). Attorneys shall meet at least **five (5) business days** prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07 (D.S.C.).
12. Jury Selection and Trial: This case is subject to being called for jury selection and/or trial on or after **March 1, 2022**.

NO FURTHER EXTENSIONS WILL BE GRANTED ABSENT A CONFERENCE WITH THE COURT.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

September 3, 2021
Charleston, South Carolina